

### **REMARKS**

“Objected to” claims 3, 4, 31, and 32 have been amended for antecedent basis as suggested by the Examiner.

Claims 19 and 20 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner notes that Claim 19 recites a formula that does not have a “bridgehead nitrogen” at the junction with the aromatic group as required by parent claim 1. The formula of claim 19 is outside the scope of the light emitting material set forth in the parent claim and accordingly, claim 19 is considered to be indefinite.

It is apparent that the formula identified as (1h) is incorrect. The claims call for a bridgehead nitrogen but, this formula, unlike formulas (1e), (1f), and (1g), contains no bridgehead nitrogen. Claims 9 through 12 disclose various general formulas for such compounds in which the ligand subscript can be “3” when “M” is Ir. Then, the formulas in claims 13, 15, 17, and 19 and the corresponding portions of the specification were intended to encompass the “tris” versions of the four general formulas with  $n=3$ . However one of the nitrogens is located in the wrong position. It is believed that the intent is clear from the overall scheme and formula (1c) and the generic claims. The present amendment corrects the formula (1h) in the specification and claims and removes the basis for the 35 USC 112 rejection.

Claims 1-33 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-31 of copending Application No. 10/729,402. It is believed that this rejection is overcome by the present amendment. The correction of the formula in claim 19 removes the basis for the double patenting rejection.

In view of the foregoing amendments and remarks, the Examiner is respectfully requested to withdraw the outstanding rejection and to pass the subject application to Allowance.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'A. Kluegel', written over a horizontal line.

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